

Appl. No. 10/713,760
Reply to Office action of December 17, 2004
Docket No.: 024.0053

REMARKS

Applicants appreciate the thorough examination of the application that is reflected in the Office Action dated December 17, 2004. Applicants also appreciate the Examiner's indication that claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants amend claim 1, and introduce new dependent claims 20-29. Claims 14-19 have been withdrawn from consideration since they relate to an unelected species. After entry of the foregoing amendments, claims 1-13 and 20-29 (23 total claims; 1 independent claim) remain pending in the application. Applicants respectfully request reexamination and reconsideration of the application.

Claims 1-13 and 20-26

The Official Action rejects claims 1-10 under 35 U.S.C. 102(b) as being anticipated by Wilke et al.

Applicants respectfully traverse this rejection for at least the following reasons. Applicants respectfully submit that the cited Wilke et al. reference fails to teach, for example, "a stop assembly incorporated into the spring plate," as required by claim 1. The Office asserts that a bolt (not shown) that goes through hole 15 of Wilke et al. meets this limitation. Applicants respectfully disagree. The hole 15 shown in FIG. 3 of the Wilke et al. reference is not an assembly. As such, the Wilke et al. reference does not teach this limitation of claim 1.

Applicants respectfully submit that the cited Wilke et al. reference also fails to teach, for example, that "at least a portion of the damping device is disposed above the spring plate," as required by claim 1. The Office asserts that the element 12 of Wilke et al. meets the damping device limitation. Even assuming for the sake of argument that this is true, as shown in FIG. 3 of Wilke et al., the element 12 of Wilke et al. is not disposed above the plate 10.

For at least the foregoing reasons, Applicants respectfully submit that the Wilke et al. reference fails to teach every limitation of claim 1. Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 1 is patentable over the Wilke et al. reference. In addition, Applicants respectfully submit that dependent claims 2-13 and 20-29 are separately patentable at least by virtue of their dependency from independent claim 1, and also

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because claims 2-13 and 20-29 each recite additional limitations which are neither taught by the Wilke et al. reference.

Claims 4-10

With respect to claim 4-10, the Examiner has asserted that the limitations of those claims are obvious. Applicants respectfully traverse these rejections, and to preserve Applicants' arguments on appeal, Applicants request that the Examiner provide an affidavit that supports the rejection of claims 4-10 based on the official notice of the Examiner. Alternatively, in the event the Examiner seeks to maintain this ground of rejection, Applicants requests that the Examiner provide documentary evidence that these features would indeed be well-known. See MPEP 2144.03, 37 C.F.R. § 1.104 (d)(2), and *In re Lee*, 277 F.3d 1338, 1344-45, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2002) (finding that reliance on "common knowledge and common sense" did not fulfill the PTO's obligation to cite references to support its conclusions as PTO must document its reasonings on the record to allow accountability and effective appellate review).

New dependent claims 20-29

New dependent claims 20-29 are added by this amendment to highlight further aspects of the invention that are not taught by the Wilke et al. reference. For example, new claim 25 requires that "the piston extends through the spring plate." New claim 26 requires that "the stop assembly comprises a stop disposed within the spring plate, wherein the stop is configured to limit deflection of the spring plate." New claim 27 requires that "the stop assembly further comprises a bolt inserted through the stop, wherein the bolt is configured to limit expansion of the spring plate." New claim 28 requires that "the stop assembly extends substantially perpendicular to and through the spring plate." New claim 29 requires that "the stop assembly extends substantially parallel to the damping device."

Applicants submit that these claims further define over the cited references since these claims recite additional features that are not taught by the cited references. Accordingly, Applicants submit that those claims are separately patentable over the cited references.

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Conclusion

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: March 4, 2005

By: Erin P. Madill
Erin P. Madill
Reg. No. 46,893
(480) 385-5060